

REMARKS

Reconsideration of this application and the rejection of claims 1-24 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated November 15, 2006 (Paper No. 20061109) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Regarding the information in the specification on page 18 incorporating prior patents by reference, Applicants have amended the specification to formally incorporate the material by reference, but respectfully submit that the information is merely background to the presently claimed invention and is not essential to the presently claimed subject matter. Please note that both of these patents are owned by Applicants' assignee and are mentioned in the Background section of the present application as being well known in the prior art.

Regarding the requirement for formal drawings, pursuant to the February 13, 2007 telephone conference with the Examiner, this requirement has been withdrawn.

Claim 3 stands objected to due to confusion as to the connection of the stabilizing device to the wall. The claim and the corresponding portion of the specification on page 17 have been amended to recite "provided on" to clarify this point.

Claims 1, 2, and 17-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes et al (US 6,216,777). Rhodes discloses a heat exchanger with a distance between a first and a second middle side wall, more specifically a V-shaped gap

with curved middle side walls, as seen in FIGs. 2 and 3D. With this curved structure, variations in manufacturing tolerances could easily result in a situation in which the two header chambers lack a lateral gap or distance which impedes their thermal characteristics.

In contrast, the present heat exchanger includes linear side walls with a uniformly continuous increasing lateral distance (seen in FIGs. 6-8 of the present application). As recited in claim 1 as amended, among other things, opposing portions of the first and second middle side walls are planar such that the lateral distance between the first and second middle wall is a V-shaped gap which is continuous and strictly monotonically increasing.

Such a continuous and strictly monotonic distance is advantageous since it will provide a consistent lateral distance between the header chambers which is independent of manufacturing tolerances as described in the application on page 4, paragraph 3. The benefit of such structure is that the present heat exchanger allows for less critical and less expensive manufacturing, since the V-shaped gap width changes continuously over the height and thus even imprecise manufacturing tolerances will result in a gap width at a suitable distance for desired capillary action during brazing (see page 3, last par. and page 4, par. 1). Accordingly, in view of Rhodes to disclose or suggest the structure now claimed, the Section 102 rejection is respectfully traversed.

Claims 10 and 12 stand rejected under 35 U.S.C. 103(a) as being obvious in view of a combination of Rhodes as cited above and Patel (US 5,761,808). anticipated by St.

Peter (US 5,901,712). The arguments asserted above traversing Rhodes are reasserted here. Patel is cited for disclosing a guiding crease. However, Patel discloses a similar heat exchanger structure as Rhodes, in which, upon assembly, there is no continuous and strictly monotonically increasing lateral distance maintained between the header chambers as now recited in amended claim 1. Accordingly the rejection based on a combination of Rhodes and Patel is respectfully traversed.

Claims 3-9 and 11 stand rejected under 35 U.S.C. 103(a) as being obvious in view of a combination of Rhodes and Laveran et al (US 5,492,172). The arguments asserted above traversing Rhodes are reasserted here. Laveran is cited for providing grooves or crease for strengthening the header. However Laveran fails to disclose or suggest the relative positioning of two header chambers with a lateral distance between them as now recited in amended claim 1. Accordingly, the rejection based on a combination of Rhodes and Laveran is respectfully traversed.

Claims 13-16 stand rejected under 35 U.S.C. 103(a) as being obvious in view of a combination of Rhodes and Hagemeister (US 4,815,535). The arguments asserted above traversing Rhodes are reasserted here. Hagemeister is cited for disclosing tubes with a thinner portion in a flange area. However, as is the case with Laveran, Hagemeister, taken alone or in combination with Rhodes, fails to disclose or suggest the lateral distance between adjacent header chambers as recited in amended claim 1, from which claims 13-16 depend.

Accordingly, the rejection based on a combination of Rhodes and Hagemeister is respectfully traversed.

Claims 22-24 stand rejected under 35 U.S.C. 103(a) as being obvious in view of a combination of Rhodes and Jung et al (DE 19826881). The arguments asserted above traversing Rhodes are reasserted here. Jung is described above and in the specification as a prior embodiment of a heat exchanger by the present Applicant's assignee. Neither Rhodes, nor Jung, whether considered alone or in combination, disclose or suggest the subject matter of amended claim 1, from which claims 22-24 depend. Accordingly, the rejection based on a combination of Rhodes and Jung is respectfully traversed.

None of the prior art references of record, whether or not cited in a rejection, disclose or suggest the invention as now recited in the amended claims. Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may

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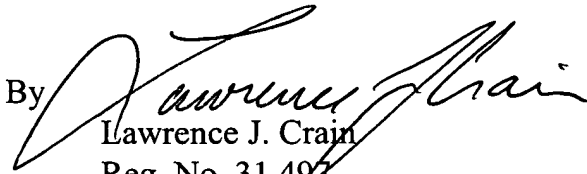
Amendment Dated: February 15, 2007

be resolved by a telephone interview, she is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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